

## RULES RELATING TO COURT INTERPRETERS

### SCOPE AND EFFECTIVE DATE

These rules become effective on September 20, 2000, and will, as amended, govern the use of interpreters in all courts of the State of Nebraska.

Scope and Effective Date amended September 17, 2003.

### RULE 1. INTERPRETER REGISTER

The State Court Administrator will publish and maintain a statewide register of interpreters which will consist of the following:

A. Certified Court Interpreters: Court interpreters who have satisfied all certification requirements pursuant to Rule 3 of the Rules Relating to Court Interpreters.

B. Registered Court Interpreters. Noncertified court interpreters who have not satisfied the requirements of Rule 3 of the Rules Relating to Court Interpreters, but have either completed an interpreter orientation program sponsored by the State Court Administrator or achieved a passing score on a written examination administered by the State Court Administrator.

C. Other Court Interpreters. Noncertified court interpreters who have not satisfied the requirements of Rule 1A or 1B.

D. Sign Language Court Interpreters. Sign language interpreters who possess either a Level I or Level II classification awarded by the Nebraska Commission for the Deaf and Hard of Hearing, as set forth below: (Level I - Interpreters who hold at least one of the following RID certificates: Specialist Certificate: Legal (SC:L), NIC Master, NIC Advanced, CI/CT, CSC. Deaf interpreters who hold CLIP-R or CDI) or (Level II – Interpreters who hold RID NIC, RID CI, RID CT, NAD 4 or 5, QAST 4/4 or higher. Deaf interpreters who hold the Nebraska Specialist Intermediary License).

Rule 1A – 1D amended September 17, 2003; Rule 1D amended January 4, 2007, effective July 1, 2007.

### RULE 2. APPOINTMENT OF INTERPRETERS

A. Use of Certified Court Interpreter. Whenever an interpreter is required to be appointed by a court, the court will first attempt to appoint a certified court interpreter who is listed on the statewide register of interpreters if one is reasonably available.

B. Use of Registered Court Interpreter on Statewide Register. If the court has made diligent efforts to obtain a certified court interpreter as required by Rule 2A of the Rules Relating to Court Interpreters and found none to be available, the court may appoint a registered noncertified court interpreter who is otherwise competent to interpret in the courts.

C. Use of Other Court Interpreter. If the court has made diligent efforts to obtain a certified court interpreter or a registered court interpreter and found none to be available, the court may appoint a court interpreter who is otherwise competent to interpret in the courts.

D. To determine whether a certified or registered interpreter is reasonably available, reasonable advance attempts must be made to arrange for the presence of a certified interpreter prior to the use of a registered interpreter, and then, for the presence of a registered interpreter prior to the use of an interpreter who is not certified or registered.

E. Number of Interpreters. For any proceeding that is scheduled for more than one-half day, two language interpreters should be appointed. For any proceeding that is scheduled for more than one hour, two sign interpreters should be appointed.

F. Rebuttable Presumption. There is a rebuttable presumption that an interpreter must be appointed if an interpreter is requested or it is shown that the party is having difficulty in communicating.

G. All interpreters shall be at least 18 years old, shall have read the Code of Professional Responsibility for Interpreters, and shall take the Interpreter Oath prior to interpreting in the Nebraska Courts or the Nebraska State Probation System.

See Appendix 1 for Code and Interpreter Oath.

Rule 2B – 2D amended September 17, 2003; Rule 2D moved to 2G on January 4, 2007, effective July 1, 2007; Rule 2D – 2F adopted January 4, 2007, effective July 1, 2007.

### RULE 3. CERTIFIED COURT INTERPRETER REQUIREMENTS

A certified court interpreter will be able to interpret simultaneously and consecutively and provide sight translation from English to the language of the non-English-speaking person or from the language of that person into English. An interpreter will be eligible for certification upon establishing to the satisfaction of the State Court Administrator that he or she has:

A. Reached the age of 18;

B. No past convictions or pending criminal charges, either felony or misdemeanor, which are deemed by the Supreme Court to evidence moral turpitude, dishonesty, fraud, deceit, or misrepresentation;

C. Achieved a passing score on a written examination administered by the State Court Administrator; and

D. Achieved a passing score on legal interpreting competency examination (Consortium oral certification examination) administered or approved by the State Court Administrator. If an interpreter shall have received a passing score of 70 percent on any of the three segments of a previous Consortium oral certification examination that was administered within the last 3 calendar years, the passing grade shall be honored and the applicant shall not be required to repeat that segment of a current examination.

E. In addition, any interpreter possessing a Federal Court Certified Court Interpreter Certificate, a Court Interpreter Certification Certificate from any state which is a member of the National Center for State Court's Consortium for State Court Interpreter Certification, or a sign language Specialist Certificate Legal (SC:L) for interpreters that are fully certified (CI, CT, CSC, or CDI) or provisional legal certificate (CLIP) is recognized as a certified court interpreter.

Rule 3C – 3E amended September 17, 2003.

### RULE 4. EXAMINATION FOR INTERPRETER CERTIFICATION

A. Complete Application. An applicant who has passed the written examination of Rule 4C and desires certification in a particular language will file with the State Court Administrator an approved application form and pay the applicable examination fee established by the State Court Administrator.

B. Evaluation of Application. The State Court Administrator will evaluate the application and

determine if the applicant meets the initial qualification requirements of Rule 3 of the Rules Relating to Court Interpreters.

C. Written Examination. The written examination to qualify to take the oral examination of Rule 4D shall require no fee and shall consist of three parts: general English language vocabulary, court-related terms and usage, and ethics and professional conduct. The written examination will be administered at such times and places as the State Court Administrator may designate. The State Court Administrator shall waive this requirement for any interpreter who has previously taken the oral interpreter competency examination of Rule 4D.

D. Oral Examination. Examinations for interpreter certification in specific languages will be administered at such times and places as the State Court Administrator may designate.

E. Scope of Examination. Applicants for interpreter certification in a spoken or sign language may be tested on any combination of the following:

1. Sight interpretation,
2. Consecutive interpretation, and
3. Simultaneous interpretation.

F. Results of Examination. The results of the examination will be mailed by regular mail to the applicant's most recent address.

G. Confidentiality. All information relating to the examination is treated as confidential by the State Court Administrator and test administrators except that statistical information relating to the examinations and applicants may be released at the discretion of the State Court Administrator.

Rule 4A – 4G amended September 17, 2003.

## RULE 5. SUSPENSION OR REVOCATION OF CERTIFICATION

A. Grounds for Revocation or Suspension of Certification. Unprofessional or unethical conduct that violates the Code of Professional Responsibility for Interpreters or a conviction of a criminal misdemeanor or felony may be grounds for suspension or revocation of certification and removal from the statewide register of interpreters. A disposition other than acquittal, e.g., pretrial diversion, of any criminal charge filed will not preclude an action by the State Court Administrator with respect to the interpreter's certification.

See Appendix 1 for Code and Interpreter Oath.

B. Incompetence. The State Court Administrator may remove any interpreter from the statewide register of interpreters for incompetence provided the interpreter is allowed an opportunity to be heard to dispute such finding.

C. Complaints. All complaints of alleged unprofessional and unethical conduct by interpreters shall be in writing and will be investigated by the State Court Administrator or a person appointed by the State Court Administrator. Each complaint will be reviewed to determine if there is sufficient cause to believe that the interpreter has engaged in unprofessional or unethical conduct. If sufficient cause exists, the State Court Administrator may suspend or revoke the certification of an interpreter and remove the interpreter's name from the statewide register of interpreters. If a violation is by a registered, noncertified interpreter, the State Court Administrator may suspend or remove the interpreter's name from the

statewide register of interpreters.

Rule 5B amended September 17, 2003.

## APPENDIX 1

### CODE OF PROFESSIONAL RESPONSIBILITY FOR INTERPRETERS

#### PREAMBLE

Many persons who come before the courts are partially or completely excluded from full participation in the proceedings due to limited English proficiency or a speech or hearing impairment. It is essential that the resulting communication barrier be removed, as far as possible, so that these persons are placed in the same position as similarly situated persons for whom there is no such barrier. As officers of the court, interpreters help ensure that such persons may enjoy equal access to justice and that court proceedings and court support services function efficiently and effectively. Interpreters are highly skilled professionals who fulfill an essential role in the administration of justice.

#### APPLICABILITY

This Code shall guide and be binding upon all persons, agencies, and organizations who administer, supervise use of, or deliver interpreting services to the judiciary.

#### CANON 1: ACCURACY AND COMPLETENESS

Interpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written, and without explanation.

#### CANON 2: REPRESENTATION OF QUALIFICATIONS

Interpreters shall accurately and completely represent what their training and pertinent experience is and any certification they may have.

#### CANON 3: IMPARTIALITY AND AVOIDANCE OF CONFLICT OF INTEREST

Interpreters shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias. Interpreters shall disclose any real or perceived conflict of interest.

#### CANON 4: PROFESSIONAL DEMEANOR

Interpreters shall conduct themselves in a manner consistent with the formality and civility of the court and shall draw as little attention to themselves as possible.

#### CANON 5: CONFIDENTIALITY

Interpreters shall keep confidential all privileged and other confidential information.

#### CANON 6: RESTRICTION OF PUBLIC COMMENT

Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential.

#### CANON 7: SCOPE OF PRACTICE

Interpreters shall limit themselves to interpreting or translating, and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other activities which may be construed to constitute a service other than interpreting or translating while serving as an interpreter.

#### CANON 8: ASSESSING AND REPORTING INABILITIES TO PERFORM

Interpreters shall assess at all times their ability to deliver their services. When interpreters have any reservation about their ability to satisfy an assignment completely, they shall immediately convey that reservation to the appropriate judicial authority.

#### CANON 9: DUTY TO REPORT ETHICAL VIOLATIONS

Interpreters shall report to the proper judicial authority any effort to encourage a lack of compliance with any law, any provision to this Code, or any other official policy governing court interpreting and legal translating.

#### CANON 10: PROFESSIONAL DEVELOPMENT

Interpreters shall strive to continually improve their skills and knowledge and advance the profession through activities such as professional training and education, and interactions with colleagues and specialists in related fields.

#### INTERPRETER OATH

I, \_\_\_\_\_, swear or affirm that I will, to the best of my skill and judgment, after my appointment as interpreter, make a true \_\_\_\_\_ (Language) \_\_\_\_\_ interpretation of all court proceedings, probation activities, or any other proceeding into a language which the party understands and that I will in the English language repeat the party's statements to the court or jury.